# NAB REPORTS

# Vol. 6

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# The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

## NAB REPORTS ★ ★ ★ ★ ★

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### NOTICE TO MEMBERS

The Sixteenth Annual Convention of the National Association of Broadcasters will be held at the Willard Hotel, Washington, D. C., February 14, 15 and 16, 1938.

Decision on this matter was made this week by a majority vote of the members of the Board of Directors.

Information concerning Hotel accommodations, and arrangements for speakers will be forwarded to the members at an early date.

JAMES W. BALDWIN,
*Managing Director.*

### CRAVEN BEFORE HOUSE COMMITTEE

Federal Communications Commissioner T. A. M. Craven made some interesting statements before the House Committee on Appropriations, according to the transcript of the record of an executive session just made public on Thursday.

The hearing dealt with appropriations for the Commission for the fiscal year 1939, but, as usual, members took an opportunity to question the Commissioner on many subjects of public interest on broadcasting and the activities of the Commission.

In addition to the actual appropriations and other matters not pertaining to broadcasting, Commissioner Craven was again questioned at length on his own status by Representative Wigglesworth; on the equitable distribution of radio facilities; the regulation of licenses; the desirability of charging fees for broadcast licenses; the practices of other countries in regard to licenses and taxes; newspaper ownership of broadcast stations, and many similar subjects.

Questioned on the distribution of radio facilities, Commissioner Craven said that "it is my feeling that the entire broadcasting situation in the country will have to be thoroughly studied from the standpoint of the distribution of facilities, and also with respect to the economic phases of broadcasting, which have not been hitherto thoroughly understood, and I feel that the Commission in the course of time will undertake such a study and be ready to report to Congress the results of it."

Asked about the charging of license fees for broadcast stations, Commissioner Craven said, "I would be in favor of anything that Congress did, provided that Congress was certain that in taking revenue directly in the form of license fees from a broadcasting station, or a special tax, it does not imply property rights forever in the future. If we have flexibility in guiding the application of radio broadcasting to the service of the public, then I do not mind what you do, but I think that you will want to retain the flexibility of using radio as you see fit."

Commissioner Craven was asked regarding the ownership of broadcasting stations by newspapers. He was asked for his own views, and stated, "That is a question that I think is very basic, and involves a constitutional question, and I think that Congress will be the ultimate factor in the determination of that."

He was questioned on whether or not the Commission had had this matter under consideration. He stated that it had, and "it is going to give much more consideration before the year is out."

One of the members of the Committee also asked Commissioner Craven what he thought of a Congressional investigation of radio. The Commissioner stated, "I said the other day that I did not think an investigation of the Commission is necessary, and that we should be given an opportunity to go ahead. I want to make it clear that I have no objection, whatsoever, personally, to an investigation. I think it may clarify a good deal of the atmosphere and the rumours that are going around. But I do believe that we can do a good job on the Commission."

### F. B. STRICKLAND

The NAB has been advised by the Canadian Association of Broadcasters that an individual named F. B. Strickland is believed to have left Canada for the United States, after having allegedly forged checks in the Dominion, and that he may attempt to obtain employment in a

(Continued on page 2481)

### IN THIS ISSUE


| | Page |
|---|---|
| Notice to Members | 2479 |
| Craven Before House Committee | 2479 |
| F. B. Strickland | 2479 |
| January FCC Assignments | 2480 |
| FCC Appropriations | 2481 |
| In Re Federal Radio Education Committee | 2481 |
| FCC Makes Annual Report | 2481 |
| Federal Trade Commission Action | 2482 |
| Federal Communications Commission Action | 2484 |

# FCC Assignments For January

| Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon: | ASSIGNMENT FOR MONTH OF JANUARY |
|---|---|
| "All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities. | Commissioner Norman S. Case |
| "All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations. | Commissioner George Henry Payne |
| "All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska. | Commissioner T. A. M. Craven |
| "All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act. | Commissioner Eugene O. Sykes |
| "All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs. | Commissioner Thad H. Brown |
| "All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission. | Commissioner Paul A. Walker |
| "That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon:<br>(*a*) all applications for operator licenses, and<br>(*b*) all applications for amateur and ship stations. | Secretary T. J. Slowie |
| "That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters:<br>(*a*) operation without an approved frequency monitor;<br>(*b*) operation without an approved modulation monitor;<br>(*c*) operation without thermometer in automatic temperature control chamber;<br>(*d*) operation without antenna ammeter, plate voltmeter or plate ammeter;<br>(*e*) operation with substitute ammeter, plate voltmeter or plate ammeter;<br>(*f*) operation with temporary antenna system;<br>(*g*) operation with auxiliary transmitter as main transmitter;<br>(*h*) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;<br>(*i*) where formal application is not required, application for new or modified equipment or antenna system;<br>(*j*) where formal application is not required, change of specifications for painting and lighting of antenna towers;<br>(*k*) operation to determine power by direct method during program test periods;<br>(*l*) relocation of transmitter in the same building;<br>(*m*) operation with reduced power or time under Rules 142 and 151;<br>(*n*) approval of types of equipment;<br>(*o*) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof;<br>(*p*) denial of requests for equipment and program tests where specifications of construction permit have not been met;<br>(*q*) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met". | Chief Engineer Ewell K. Jett |

## F. B. STRICKLAND

(Continued from page 2479)

U. S. broadcasting station, using some Canadian radio station as reference.

Strickland is said to be 32 years of age, about 5′ 6″ in height, sharp features, brown hair, wears eye glasses, and has a decided limp, his right leg being shorter than the left. Any station knowing of Strickland's whereabouts is requested to communicate promptly with NAB headquarters.

## FCC APPROPRIATIONS

When the President sent his budget message to Congress on Tuesday he included an appropriation of $1,752,820 for the Federal Communications Commission for the fiscal year 1939, beginning on July 1, 1938. This is $9,180 below the present fiscal year's appropriation, which is $1,762,000.

## IN RE FEDERAL RADIO EDUCATION COMMITTEE

Members are requested to refer to the Managing Director's letter, dated November 1, 1937, concerning contributions to the Federal Radio Education Committee, and in that connection attention is called to the following letter, received from the United States Commissioner of Education:

"My dear Mr. Baldwin:

"Recently I sent to you a copy of the 'Report of Progress of the Federal Radio Education Committee' which I presented on November 30 at the National Conference on Educational Broadcasting in Chicago. I have also asked that a copy of the report be sent to the manager of each broadcasting station in the country.

"The report, as you will note, summarizes the activities to date of the Federal Radio Education Committee which was created by the Federal Communications Commission on December 18, 1935. For two years, then, we have been at work making some very thorough-going plans for the accomplishment of the general purpose which the Communications Commission had in mind in creating the Committee, namely, to eliminate controversy and misunderstanding between educators and broadcasters and to bring about active cooperative efforts between the two groups. In addition to the development of plans, it will be noted in the report that under the auspices of the Committee some definite and constructive pieces of work have been under way.

"A great deal of time and effort have been put into the development of plans. Members of the Communications Commission personally have given many hours to conferences in connection with the problem. Innumerable persons from the broadcasting industry and from education have traveled to Washington, have sat through long hours of conferences, and have worked hard in an effort to bring into shape a rather comprehensive program of studies and activities designed to carry out the purposes of the Communications Commission. You will note that on page 12 of my report I made the following statements:

'As I suggested last year, the Federal Communications Commission was sincere and purposeful in setting up the Committee as the most representative and workable piece of machinery for securing a pooling of experiences through democratic processes. I know that the Commission and the Administration back of it are expecting some real results from the work of the Committee. If such results are not achieved we shall either have to admit that we do not know how to cooperate for mutually advantageous outcomes or that there must be some radical change in the so-called American system of broadcasting.

'For my part, I have confidence to date in the possibilities of the former alternative, because I believe that all of the persons and groups involved in the venture are disposed to give their unwavering support to it. Since I believe this, I am willing to give the program my best efforts.'

"I find that all of the Committee members and all others who have been intimately associated with planning the program are eager to complete the plans and set up the necessary machinery for their completion. You will note that already funds have been secured from foundations in terms of the agreement that was reached in connection with the total fund of $250,500. Before the Committee can proceed to set up its organization for the completion of the program, it is essential that the $83,000 which was to be subscribed by the radio industry be assured. I sincerely hope that this fund will be made available without further delay. You can readily see, in view of the history of the origin and activities of the Committee, that unless the industry makes its contribution without delay, there may develop many embarrassments to the Communications Commission, to the members of the Committee, and to the broadcasting industry.

"I still feel that in creating the Committee, the Communications Commission established a most representative and workable piece of machinery for the solution of the problems involved in a proper cooperation between educators and broadcasters. It will be just too bad if this piece of machinery is allowed to collapse.

"Very cordially yours,

"(Signed) J. W. Studebaker,
Commissioner."

## FCC MAKES ANNUAL REPORT

No recommendations were made by the Federal Communications Commission in its annual report to Congress on Tuesday of this week for the fiscal year ending June 30, 1937. It is anticipated that before this session of Congress adjourns recommendations for some legislation will be made.

The Commission reports that as of June 30, 1937, there were 704 regular broadcast stations in the United States, and that during the fiscal year 51 new stations were authorized by the Commission and 7 were deleted. During the same period 295 applications were received for new stations.

It is stated in the report that "with the view of continuing to progress toward the solution of allocation problems, the Commission proceeded with its intensive study of information gathered through the broadcast-allocation surveys and hearings. In order to better fit itself to pass judgment on the comparative needs of various communities for broadcast facilities, the Division (Broadcast, now eliminated) conducted a study in the distribution of broadcast facilities to cities and towns of various populations and to the States."

Dealing with the further survey of rural radio reception conditions, the Commission says: "The data compiled from the postcard questionnaire survey conducted in connection with the allocation survey, as reported in the previous annual report, were very helpful in determining general reception conditions in the rural areas and the types of stations upon which the average rural resident is dependent for his broadcast service. These data were, however, silent as to any differentiation between daytime and nighttime reception conditions, and the Commission was of the opinion that due to differences in propagation conditions, etc., there might be a material change in the results of the

survey if an attempt were made to separate the data concerning daytime and nighttime reception conditions. The Commission therefore authorized a second questionnaire survey, which was conducted during April, 1937. Approximately 31,000 questionnaire cards were mailed to the fourth-class postmasters throughout the United States. The Commission received in reply approximately 16,000 cards. The questionnaire card requested specific information concerning daytime receiving conditions and nighttime receiving conditions in the community where the postmaster resided. The analysis of these data has not yet been completed."

Discussing the general nature of complaints received, the Commission says that: "The majority of the investigations conducted with regard to complaints received concerning the program service of broadcast stations have resulted in informal adjustments. Other complaints involving possible violations of the act and the rules and regulations of the Commission, including the broadcasting of lotteries, medical programs, and fortune-telling programs, and the illegal assignments of licenses and transfers of the control of licensee corporations, have been investigated, and appropriate action has followed either by way of adjustment or by the designation of applications for renewal of licenses for hearing.

"The Commission maintains complete records showing the information required by Order No. 2 of the Broadcast Division, which include copies of all contracts entered into by licensees that may in any way affect the conduct or control of a broadcast station. These records show the corporate structure of each licensee corporation and a complete list of all the stockholders thereof.

"Each application, particularly one for the renewal of station license, is compared with these records to determine whether a change in ownership or a transfer of the control of a licensee corporation has occurred, and also to determine what interests the licensees or stockholders may have in other stations."

The Commission, in taking up the distribution of broadcast facilities, states that: "Considering the broadcast assignments as they existed on June 8, 1937, the Engineering Department made a study for the purpose of determining the distribution of broadcast facilities to cities of various populations and to the various States. According to the 1930 census of the United States, there are 16,598 cities and towns in this country. Of this total, 982 have a population in excess of 10,000 and 376 have a population in excess of 25,000. Many of the towns and cities of 10,000 or more inhabitants are in the metropolitan districts, as described by the Bureau of the Census, or are adjacent to other larger cities not included in any of the metropolitan districts. Of the 606 cities having a population in excess of 10,000 and less than 25,000, 471 have no radio station, and of the 376 cities having a population in excess of 25,000, 143 have no radio station. However, of the total of 614 cities having no radio station, all but 111 receive primary service from at least one radio station, as shown in the following paragraphs:

(1) Three hundred and twenty-nine cities (53.6 per cent) are within one of the 96 metropolitan districts specified by the Bureau of the Census. Each district has one or more radio stations.

(2) Eight cities (1.3 per cent) are adjacent to larger cities which have a radio station.

(3) One hundred and sixty-six cities (27.0 per cent), not included in (1) and (2) above, are within the primary service area of an existing station. In this case the limit of primary service was considered as 2 mv/m, the minimum signal normally required to render a satisfactory service in the residential area of the average city.

(4) The remaining 111 cities (18.1 per cent) do not come within any of the foregoing categories.

"The study indicates that there are 359 cities in the continental United States which have only one radio station. Of these, 88 have a population in excess of 25,000 and are not located within one of the 96 metropolitan districts."

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them:

**No. 3288.** Alleging the use of misleading representations in the sale of certain foreign made products, a complaint has been issued against **Popper & Klein,** 300 Fourth Ave., **New York City,** trading as **Perfektum Products Company** and engaged in the sale of laboratory supplies of both foreign and domestic manufacture and origin.

In the sale of certain microscope glass covers imported from Japan and plainly marked "Made in Japan", the respondent company is alleged to have repacked them in wooden boxes containing its own label and New York address and to have ink-stamped in light small letters the word "Japan" on the bottom of the boxes in such manner as to make the word practically unnoticeable.

**No. 3289. Standard Container Manufacturers' Association, Inc.,** 301 Hildebrant Building, **Jacksonville, Fla.,** a trade association, and 25 member companies manufacturing wooden containers for fruits and vegetables, are named respondents in a complaint charging combinations and agreements in restraint of trade through the fixing of uniform prices, terms and discounts for their products, and other practices.

James B. Adkins, Gainesville, Fla., president of the association, Charles P. Chazal, Ocala, Fla., vice president, and Russell W. Bennett, 301 Hildebrant Building, Jacksonville, Fla., secretary, treasurer and general manager, are also made respondents.

Selling and distributing their products to fruit and vegetable producers in an area comprising the southeastern section of the United States, including the States of Florida, Georgia, North and South Carolina, Virginia and New Jersey, the respondent members are said to dominate their industry and control its practices in that area and to produce substantially all the wooden fruit and vegetable containers made therein. These members are said to be particularly influential in Georgia and Florida.

Under certain agreements and understandings made on and after July 15, 1935, the respondents are alleged to have fixed and maintained uniform prices, minimum prices and uniform terms and conditions in the sale of such fruit and vegetable containers

and the parts thereof. The uniform terms and conditions allegedly were fixed and maintained to include, without limitation, maximum discounts, brokerage fees, freight and other allowances, and time limitations of contracts.

**No. 3290.** Alleging the use of unfair methods of competition in the interstate sale of salted peanuts, a complaint has been issued against **Tosto Foods, Inc.,** 307 East Twelfth St., **Cincinnati,** and **William C. Mithoefer,** the respondent company's vice-president, secretary and treasurer.

In the sale to dealers of its brand of salted peanuts designated by the trade description, "Strange as It Seems", the respondent company, according to the complaint, so packs and assembles its product that a lottery plan is involved in its sale to consumers. In a small number of the individual cartons in which these products are packed for sale and sealed, there are also placed, it is alleged, certain amounts of money such as five cents, twenty-five cents, fifty cents or one dollar. The ultimate purchaser, it is charged, cannot ascertain which cartons contain one of the sums of money until a selection has heen made and the individual carton hroken open. Thus, according to the complaint, purchasers of individual cartons of salted peanuts who procure one of the sums of money do so wholly hy lot or chance.

## Stipulations

The Commission has entered into the following stipulations:

**No. 01987. Zonite Products Corporation, Chrysler Building, New York,** in the sale of Dr. Forhan's toothpaste, agrees to cease alleging that this preparation "goes deeper", until such claim is estahlished as a fact, and to stop representing this paste as having been long used by dentists everywhere to comhat gum troubles.

**No. 01988. W. Robert Peters, 524 South Spring St., Los Angeles,** in the sale of Serosol, agrees to stop representing that the product is safe and will enable one to curh or stop the habit of drinking liquor. The therapeutic value of the preparation depends upon its effect in causing vomiting, and while it may be effective in some cases it cannot he depended upon to produce permanent relief from a desire for alcohol, according to the respondent's admission. He also agrees to stop use of the word "Laboratories" in his trade name until such time as he actually maintains a place where scientific investigations are conducted.

**No. 01989. S. B. Hamilton, Gay St. and Wall Ave., Knoxville, Tenn., trading as Dr. S. B. Hamilton,** agrees to stop asserting that Dr. Hamilton's Oral Antiseptic is recommended for or is of value in treating hoarseness, bleeding gums, pyorrhea and similar ailments, when, according to admissions of the respondent, the preparation is not an adequate remedy for such disorders.

**No. 01990.** Under a stipulation entered into, **F. C. Foard & Co., Inc., Bridgeport, Conn.,** will discontinue certain misleading representations of its product, a soot remover and flue cleaner.

In the sale of this product, known as "Imp", the respondent will discontinue advertising that its use will cause a saving in fuel of 25 per cent; that the use of Imp is the one and only way to banish soot quickly and cheaply, and that fire departments have found Imp to be the most effective agent for extinguishing chimney fires.

**No. 01991. Frank C. Starek, 82 West Washington St., Chicago, trading as Wide-O-Wake Co.,** in the sale of Wide-O-Wake Tablets, stipulates that he will ban the representation that these tahlets are a new or outstanding scientific discovery capable of banishing fatigue, overcoming drowsiness or keeping one awake while driving. The respondent agrees to cease employing the words "Wide-O-Wake" as a trade name for a product composed of the ingredients contained in this preparation.

**No. 01992. Stanco Incorporated, 2 Park Ave., New York,** will cease advertising that its preparation Nujol will remove the cause of any ailment, unless limited to such conditions as are due to ordinary constipation; that the product is a competent treatment for skin trouhles; that it puts the entire system in order, and is of aid in the treatment of influenza.

**No. 01993. Indian River Medicine Company, LaFollette, Tenn.,** will stop representing that Scalf's Indian River Tonic is an effective remedy for indigestion, asthma, colds, coughs, rheumatism, headaches, or kidney and liver trouble, unless this claim is limited to the symptoms of such conditions. Representations that the preparation is a health builder and has passed rigid regulatory medical tests will be discontinued.

**No. 01994. Surgical Dressings, Inc., 65 Brookside Ave., Jamaica Plain, Boston,** agrees to cease asserting that Sterilastic Bandages permit the skin to breathe and the pores to function naturally. The respondent company stipulates that it will abandon use of the words "Sterilastic", "Sterilized", or "Sterile", or words of similar meaning as part of the trade name for or as a descriptive term for any of its handages or dressings, unless such products are sterilized and free from hacteria after packaging and at the time of sale.

**No. 01995. Tryco Company, Inc., 620 West Olympic Boulevard, Los Angeles,** agrees to discontinue advertising that Tryco Ointment will heal or cure athlete's foot, rashes, cold sores, pimples, superficial skin itching, and weeping eczema, and that it is a competent treatment for ivy poisoning and insect bites.

**No. 01996. Carlton Routzahn, trading as Bland Products Company, 3319 North Clark St., Chicago,** selling a medicinal product designated Flo Compound (XX and XXX strength) stipulates that he will stop representing the preparation as competent in the treatment of certain conditions peculiar to women.

**No. 01997. William M. Kalos, 44 Court St., New York, trading as Artex Novelty Co.,** in the sale of stamped embroidering materials, will cease making unmodified representations of possible earnings of prospective saleswomen in excess of the average earnings of his full-time customers-saleswomen, achieved under normal husiness conditions. Kalos also agrees to cease representing that a dissatisfied customer will "lose nothing", or that the respondent's guarantee protects the customer, or that the latter takes no chances, unless the respondent remunerates such customer for the full purchase price of the materials and any other expenses incurred by her in connection with the transaction. The respondent also agrees not to advertise that an article is free when the payment of any money or rendering of any service is actually required, and will stop asserting that he is a manufacturer, unless and until he shall own, control or operate a factory wherein the materials he sells are made.

**No. 2110. Clyde Foster, 620 North Union St., Decatur, Ill., trading as C. Foster Chemical Co.,** agrees to cease advertising that certain silverware coupons used to promote the sale of the respondent's products have a value of $1.15 or any other amount. He also stipulates that he will stop laheling or otherwise representing that his tooth powder has a price or value of 75 cents or that a fork and spoon set has a price or a value of $1.50 or that either article has a price or value in excess of that at which they are sold in competitive trade. Use of the word "free" in connection with descriptions of merchandise will no longer he used hy Foster when in fact the alleged free gift is not given as a gratuity hut can he ohtained only in consideration of the purchase of the merchandise with which the alleged free gift is included, or when, in order to obtain certain of the alleged gifts, a further consideration of 35 cents or any other amount is required.

**No. 2111.** Agreeing to stop certain false and misleading advertising representations in connection with the sale of his products, **Myer Osoff,** 79 Sudhury St., **Boston,** a printer trading as **Paramount Art Company,** has entered into a stipulation.

Osoff, in the sale of acknowledgment cards and stationery, will discontinue use in advertising matter of the word "engraved", either alone or with the word "plateless", as descriptive of his products so as to imply that the lettering or designs appearing thereon are the result of impressions made from inked engraved plates, a process commonly known to the trade and purchasing puhlic as engraving or emhossing, when such is not a fact.

**No. 2112. Horace L. and Sara Gwin Wolfe, 943 North Figueroa, Los Angeles, trading as Wolfe's Laboratories,** agree to cease employing in their advertising matter representations or the purported testimonials of alleged users of the product so as to imply that the preparation possesses such therapeutic value as to be an adequate treatment or remedy for disorders such as ulcers of the stomach and gastritis, or that use of the product will cure such disorders.

**No. 2113.** A stipulation to discontinue certain false and misleading representations in advertising electric hrooders has been entered into by **Luty Hawkins, Mt. Vernon, Ill.,** trading as **Hawkins Million Dollar Hen.**

Hawkins agrees to stop advertising that the rubher pad within the brooder which he manufactures will maintain a constant surface or contact temperature of 105 degrees Fahrenheit regardless of room temperatures or other conditions, when such is not a fact. He also will stop the use in advertising matter of the words "Up to 400 Per Cent Profit" so as to imply that poultry raisers who use his brooder can make a profit of 400 per cent or any other specified amount on their total investment in the poultry husiness, when, in fact, such designated amount is exaggerated and much in excess of the probable profit on the total investment.

**No. 2115. Siegel & Alenikoff, 520 Eighth Ave., New York,** in the sale of women's sport coats, agrees to cease plagiarizing the lahel used hy a competitor, Hirsh & Sons, Inc., New York, on certain sport coats it sells. The respondent firm will stop dupli-

cating the arrangement or appearance of its competitor's label so as to imply that the coats to which it attaches such labels are the products of Hirsh & Sons, when such is not a fact. Certain of Hirsh & Sons coats are sold under the trade name "Hirshmaur." Siegel & Alenikoff, which uses the name "Henshire" as a trade designation, will discontinue employing that name in connection with the features or design which characterize the Hirsh & Sons label if the simulation is such that it tends to convey the belief that Siegel & Alenikoff coats are those of its competitor. Joseph Henschel, Jacob Siegel and Philip Alenikoff are co-partners, trading as Siegel & Alenikoff.

**No. 2116. Copal, Bernard, Joseph and Nathan Levin, trading as Dainty Dot Hosiery Mills, 83 Essex St., Boston,** will discontinue use of the word "Mills" as part of their trade name or in any manner implying that they manufacture the hosiery they sell or own or operate a hosiery mill, when such is not a fact.

**No. 2117.** Under a stipulation entered into, **Allen H. Rabin,** a cosmetics dealer, trading as **The Rabin Company,** 820 McGarry St., **Los Angeles,** agrees to discontinue certain misleading representations in the sale of the "Ruth Rogers" line of cosmetics.

A complaint issued by the Commission in November, 1937, charged Rabin with making representations to the effect that his cosmetics products contained sufficient amounts of oil of avocado to be beneficial, when such was not a fact. The practices alleged in the complaint are reported to have been abandoned and the Commission has closed the case growing out of it without prejudice to its right to reopen it in the future, should the facts so warrant.

**No. 2118. Guerlain, Inc., 444 Madison Ave., New York,** agrees that on labels or stickers affixed to its cologne and toilet water preparations, or in advertising matter referring thereto, it will stop using the word "Paris," either alone or in connection with other words so as to imply that these products have been made into the completed, finished products in Paris, France, or have been imported as such completed products from France into the United States, when such is not a fact. According to the stipulation, the respondent company's preparations were composed of ingredients imported into the United States and mixed and diluted with alcohol of domestic origin to make the completed, finished products.

## Cease and Desist Orders

The Commission has issued the following cease and desist orders:

**No. 2191.** An order has been entered directing the **National Federation of Builders Supply Associations,** its affiliated trade associations and their dealer members and officers to cease and desist from certain unlawful practices which have tended to substantially lessen and suppress competition in the sale of building materials and builders' supplies, and to enhance cost to consumers of the industry's products.

At the time the complaint was issued, the National Federation consisted of 41 associations of dealers located in 32 states, and was found by the Commission to constitute a national combination.

Costs to the consuming public were increased, the Commission found, by the issuance and observance of price lists in certain communities and by the respondents' policy of exclusive dealer distribution, "because the consuming public was thereby denied the advantages in price which it otherwise would have obtained from the natural flow of commerce under conditions of free competition".

**No. 2707.** Under an order to cease and desist, the **Raleigh Candy Co.,** First and Vine Sts., **St. Louis,** is required to discontinue selling and distributing to dealers candy so packed and assembled that sales to the public may be made by means of a lottery, gaming device, or gift enterprise.

The order also prohibits the respondent company from supplying dealers with assortments of candy which may be used, without alteration of the contents, to conduct a lottery in its sale or distribution.

**No. 2797.** An order to cease and desist has been issued against **Anthony J. Hildreth** and **Joseph Fischler,** 7508 Linwood Ave., **Cleveland,** trading as **Sanitas Fundoshi Company,** and engaged in the sale of a suspensory product. The order directs discontinuance of certain misleading representations.

Under the order, the respondents are to cease representing in any manner that their product is a builder or restorer of health; that it is scientifically designed to preserve strength, vitality or nervous energy of the wearer, or that it will relieve fatigue.

**No. 3029. Johnson & Johnson, New Brunswick, N. J.,** has been ordered to cease and desist from certain unfair methods of competition in connection with the sale of absorbent cotton, gauze, bandages, and other first aid and surgical dressing products.

The order directs the respondent company to discontinue unfairly disparaging competitors or their products through use of representations which, directly or indirectly, infer that because such competitors do not extensively advertise their respective products and are not widely known, such competitive products subject the users thereof to the dangers of infection and are not safe and in a sanitary condition when opened for use.

**No. 3088. Oliver Brothers, Inc.,** a **New York** concern selling a market information service and purchasing services principally to wholesalers, has been ordered to cease and desist from violation of the brokerage section of the Robinson-Patman Anti-Price Discrimination Act. The order also is directed against certain companies for which Oliver Brothers either purchases or sells commodities, including automobile, electrical, radio, mill, machine, plumbing, steam and hardware supplies.

The respondent companies named as purchasing some of their requirements through Oliver Brothers are **W. D. Allen Mfg. Co., Chicago; Black Hardware Company, Galveston, Tex.; Jacobi Hardware Company, Wilmington, N. C.; Matthews & Boucher, Rochester, N. Y.; Charlotte Supply Company, Charlotte, N. C.,** and **Virginia-Carolina Hardware Company, Richmond, Va.**

The respondent selling concerns against whom the order is directed are **Globe Crayon Company, Brooklyn; E. V. Crandall Oil & Putty Mfg. Co., Inc., Brooklyn; Charles F. Baker & Co., Inc., Boston; Keystone Emery Mills, Philadelphia;** and **James Corner & Sons, Baltimore.**

Under the order, Oliver Brothers is prohibited from receiving from any seller any brokerage commission which is intended to be paid over to the buyer or to be applied for his use or benefit, and also is ordered to cease paying to any purchaser any commission received as brokerage from the seller.

As to the respondent selling concerns, they are ordered to discontinue paying to Oliver Brothers any commission on sales of commodities as brokerage, or as an allowance in lieu thereof, which is intended to be paid over, or which is in fact subsequently to be paid over, by Oliver Brothers to any purchaser of such commodities. The respondent buyers are directed to cease accepting from Oliver Brothers any commission which has been paid to it as a brokerage, or as an allowance in lieu thereof, by a seller of commodities on sales made by such seller to the buyers.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## Hearing Calendar

The following hearings in broadcast cases are scheduled at the Commission for the week beginning Monday, January 10:

### Monday, January 10

### HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Floyd A. Parton, San Jose, Calif.—C. P., **1170 kc.,** 250 watts, daytime.

### FURTHER HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Carl Latenser, Atchison, Kans.—C. P., **1420 kc.,** 100 watts, daytime.

### Tuesday, January 11

### HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—J. T. Griffin, Fort Smith, Ark.—C. P., **880 kc.,** 1 KW, daytime.

NEW—Colonial Broadcasting Corp., Norfolk, Va.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited.

Thursday, January 13

ORAL ARGUMENT BEFORE THE COMMISSION

**Examiner's Report No. 1-494:**

NEW—Earle Yates, Las Cruces, N. Mex.—C. P., **930 kc.,** 500 watts, daytime.

**Examiner's Report No. 1-437:**

NEW—Valley Broadcasting Co., Youngstown, Ohio.—C. P., **1350 kc.,** 1 KW, unlimited time.

**Examiner's Report No. 1-371:**

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Modification of license, **1210 kc.,** 100 watts, unlimited time. Present assignment: **1210 kc.,** 100 watts, specified hours.

**Examiner's Report No. 1-500:**

NEW—Genesee Radio Corp., Flint, Mich.—C. P., **1200 kc.,** 100 watts, 250 watts LS, specified hours.

Friday, January 14

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Connecticut State College, Storrs, Conn.—C. P., **100000, 110000, 200000, 300000 kc.,** 250 watts, unlimited, in accordance with Rule 983 (a).

WAIR—C. G. Hill, Geo. D. Walker and Susan H. Walker, Winston-Salem, N. C.—Modification of license, **1250 kc.,** 250 watts, unlimited time. Present assignment: **1250 kc.,** 250 watts, daytime.

NEW—Piedmont Broadcasting Corp., Salisbury, N. C.—C. P., **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

ORAL ARGUMENT BEFORE THE COMMISSION

**Examiner's Report No. I-526:**

WNBZ—Earl J. Smith and William Mace, d/b as Smith & Mace, Saranac, N. Y.—Voluntary assignment of license to Upstate Broadcasting Corp.; **1290 kc.,** daytime, 100 watts.

**Examiner's Report No. II-25:**

Ship M/V BACOI—Bouchard Transportation Co., Inc., New York, N. Y.—Exemption under Article 28 of the Safety Convention and Section 352 (b)(2), Title III, Part 2, of the Communications Act of 1934, as amended.

## Tentative Hearing Dates Set

During the past week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change:

January 21

ORAL ARGUMENT BEFORE THE COMMISSION

**Examiner's Report No. I-338 (Re-argument):**

NEW—Harmon Leroy Stevens and Herman Leroy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—C. P., **1370 kc.,** 250 watts, daytime.

**Examiner's Report No. I-444 (Re-argument):**

NEW—Wm. W. Ottaway, Port Huron, Mich.—C. P., **1370 kc.,** 250 watts, daytime.

January 28

ORAL ARGUMENT BEFORE THE COMMISSION

**Examiner's Report No. I-391 (Re-argument):**

NEW—Frontier Broadcasting Co., Denver, Colo.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

**Examiner's Report No. I-392 (Re-argument):**

WMEX—The Northern Corporation, Boston, Mass.—C. P., **1470 kc.,** 5 KW, unlimited time. Present assignment: **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

February 2

HEARING BEFORE AN EXAMINER

(Broadcast)

WBLY—Herbert Lee Blye, Assignor, Lima, Ohio.—Voluntary assignment to The Fort Industry Co., Assignee; **1210 kc.,** 100 watts, daytime.

KHUB—Anna Atkinson, Executrix, Assignor, Watsonville, Calif.—Voluntary assignment to John P. Scripps, Assignee; **1310 kc.,** 250 watts, daytime.

February 4

ORAL ARGUMENT BEFORE THE COMMISSION

**Examiner's Report No. I-403 (Re-argument):**

NEW—Lillian E. Kiefer, Brooklyn, N. Y.—C. P., **1500 kc.,** 100 watts, 100 watts LS, specified hours (requests facilities of WMBQ).

WWRL—Long Island Broadcasting Corp., Woodside, L. I., New York, N. Y.—Modification of license, **1500 kc.,** 100 watts, 250 watts LS, specified hours (requests facilities of WMBQ). Present assignment: **1500 kc.,** 100 watts, 250 watts LS, specified hours.

NEW—Paul J. Gollhofer, Brooklyn, N. Y.—C. P., **1500 kc.,** 100 watts, 100 watts LS, specified hours (requests facilities of WMBQ).

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, **1500 kc.,** 100 watts, 100 watts LS, specified hours.

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—C. P., **1500 kc.,** 100 watts, 100 watts LS, specified hours.

**Examiner's Report No. I-405 (Re-argument) (In-part):**

KDON—Monterey Peninsula Broadcasting Co., Del Monte, Calif.—C. P., **1400 kc.,** 250 watts, 1 KW LS, unlimited time. Present assignment: **1210 kc.,** 100 watts, unlimited time.

February 9

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Harry M. Ayers, Anniston, Ala.—C. P., **1420 kc.,** 100 watts, daytime.

NEW—S. B. Quigley, Mobile, Ala.—C. P., **1200 kc.,** 100 watts, daytime.

NEW—Roberts-MacNab Company, Livingston, Mont.—C. P., **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Ben S. McGlashan, Los Angeles, Calif. (Mobile).—C. P., **1622, 2058, 2150** and **2790 kc.,** 10 watts, Emission A3, unlimited time.

NEW—Ben S. McGlashan, Los Angeles, Calif. (Mobile).—C. P., **1622, 2058, 2150** and **2790 kc.,** 75 watts, Emission A3, unlimited time.

February 10

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—N. B. Egeland, Fort Dodge, Iowa.—C. P., **1500 kc.,** 100 watts, day only.

February 11

HEARING BEFORE AN EXAMINER

(Broadcast)

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Voluntary assignment of license to Voice of Alabama, Inc.; **1140 kc.,** 50 watts, simultaneous day KVOO, share KVOO night.

KGGC—Golden Gate Broadcasting Co., San Francisco, Calif.—Modification of C. P., **1420 kc.,** 100 watts night, 250 watts LS, unlimited time. Present status: (C. P. only for **1420 kc.,** 100 watts, unlimited).

KUJ—KUJ, Inc., Walla Walla, Wash.—C. P., **560 kc.,** 250 watts, unlimited time. Present assignment: **1370 kc.,** 100 watts, unlimited time.

February 15

## HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—National Life & Accident Insurance Co., Inc., Nashville, Tenn.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Burlington Broadcasting Co., Burlington, Iowa.—C. P., **1310 kc.**, 100 watts, unlimited time.

NEW—Kathryn B. Gosselin, Aurora, Ill.—C. P., **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Clinton Broadcasting Corp., Clinton, Iowa.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

February 16

## HEARING BEFORE AN EXAMINER

(Broadcast)

WCBA—B. Bryan Musselman, Allentown, Pa.—Renewal of license, **1440 kc.**, 500 watts, shares with WSAN.

WSAN—WSAN, Inc., Allentown, Pa.—Renewal of license, **1440 kc.**, 500 watts, shares with WCBA.

March 1

## HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Union-Tribune Broadcasting Co., San Diego, Calif.—C. P., **1480 kc.**, 5 KW, unlimited time.

KOMA—Hearst Radio, Inc., Oklahoma City, Okla.—C. P., **1480 kc.**, 10 KW, unlimited time.

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—C. P., **1480 kc.**, 10 KW, unlimited time.

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—C. P., **550 kc.**, 1 KW, 5 KW LS, unlimited time.

WFAB—Fifth Avenue Broadcasting Corp., Assignor, and Debs Memorial Radio Fund, Inc., Assignee, New York, N. Y.—Voluntary assignment of license; **1300 kc.**, 1 KW, shares WHAZ, WEVD, and WBBR.

March 3

## ORAL ARGUMENT BEFORE THE COMMISSION

**Examiner's Report No. I-416 (Re-argument):**

KADA—C. C. Morris, Ada, Okla.—Modification of license, **1200 kc.**, 100 watts, daytime. Present assignment: **1200 kc.**, 100 watts, unlimited time.

**Examiner's Report No. I-430 (Re-argument):**

WMBO—Roy L. Albertson, Transferor, and Auburn Publishing Co., Transferee, Auburn, N. Y.—Authority to transfer control of corporation; **1310 kc.**, 100 watts, unlimited time.

**Examiner's Report No. I-451 (Re-argument):**

KROY—Royal Miller, Sacramento, Calif.—Modification of C. P., **1340 kc.**, 250 watts, 1 KW LS, unlimited time. Present assignment: **1210 kc.**, 100 watts, daytime.

The Commission has taken the following action:

## APPLICATIONS GRANTED

NEW—Michigan State College (area of East Lansing, Mich.), Mobile.—Granted C. P. for a new high frequency experimental relay broadcast station, frequencies **38900, 39100, 39300, 39500 kc.**, power 15 watts, emission A3; also license to cover C. P.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted C. P. to make changes in equipment, frequency **780 kc.**, power 250 watts, hours of operation 6 p. m. to midnight, LST.

W3XIR—WCAU Broadcasting Co., Philadelphia, Pa.—Granted modification of C. P. to change equipment from that specified in original C. P. to RCA Victor Type 100 F.; frequencies **31600, 35600, 38600, 41000 kc.**, power 100 watts, emission A3.

W8XOY—Allen T. Simmons, Akron, Ohio.—Granted modification of C. P. to make changes in equipment; frequencies **31600, 35600, 38600, 41000 kc.**, power 100 watts, emission A3. Also granted license to cover C. P. as modified.

KSCJ—Perkins Bros. Co. (The Sioux City Journal). Sioux City, Iowa.—Granted modification of license. Authority to determine operating power by direct measurement of antenna input. Frequency **1330 kc.**, power 1 KW night, 5 KW day, unlimited time.

WDEL—WDEL, Inc., Wilmington, Del.—Granted C. P. for approval of transmitter site at 1.6 miles northeast of Wilmington, Del., and installation of vertical radiator.

WICA—C. A. Rowley, Ashtabula, Ohio.—Granted license to cover C. P. for new station, frequency **940 kc.**, power 250 watts, hours of operation daytime. Also granted authority to determine operating power by direct measurement of antenna input.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted extension of special experimental authorization expiring January 1, 1938, to operate with 1 KW night-time power on assigned frequency, period ending March 1, 1938.

KTRI—Sioux City Broadcasting Co., Sioux City, Iowa.—Granted modification of C. P. for approval of transmitter and studio site and installation of equipment other than originally approved for new station; **1420 kc.**, 100 watts night, 250 watts day, unlimited time.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted modification of C. P. to extend completion date from 1-9-38 to 3-9-38.

KUJ—KUJ, Inc., Walla Walla, Wash.—Granted authority to take depositions at Walla Walla in re application to use **560 kc.**, 250 watts, unlimited time (Docket 4924).

W. E. Whitmore has been granted a construction permit for the erection of a new broadcast station at Hobbs, N. Mex., to use **1500 kc.**, 100 watts power, and daytime operation.

Several persons operating as J. K. Patrick & Company were granted a construction permit for a new station at Athens, Ga., to use **1310 kc.**, 100 watts power night and 250 watts LS, unlimited time.

Station WWL, New Orleans, La., was granted its application to install new equipment and to increase its power from 10,000 to 50,000 watts.

Station KFNF, Shenandoah, Iowa, was granted its application to increase its power from 500 watts night and 1,000 watts LS to 1,000 watts night and 5,000 watts LS.

Station KGKO, near Fort Worth, Tex., was granted authority to operate 1,000 watts at night and 5,000 watts LS and to locate half-way between Fort Worth and Dallas, Tex.

KONO—Eugene J. Roth, trading as Mission Broadcasting Co., San Antonio, Tex.—Granted C. P. to move transmitter site locally, make changes in equipment, install vertical radiator, and increase day power from 100 watts to 250 watts.

KLAH—Barney Hubbs, A. J. Crawford, Jack Hawkins and Harold Miller, d/b as Carlsbad Broadcasting Co., a partnership, Carlsbad, N. Mex.—Granted C. P. to make changes in equipment and increase day power from 100 watts to 250 watts.

NEW—The Pulitzer Publishing Co., St. Louis, Mo.—Granted license for new facsimile broadcast experimental station utilizing equipment of high frequency broadcast station W9XPD. Frequencies **31600, 35600, 38600** and **41000 kc.**, 100 watts.

## APPLICATIONS DENIED

Arthur H. Croghan was denied a construction permit for the erection of a new station at Minneapolis, Minn., asking to use **1310 kc.**, 100 watts, and daytime operation.

Robert R. McCulla was denied a construction permit for a new station at Oak Park, Ill., asking to use **1500 kc.**, 100 watts, and daytime operation.

WHOM, Jersey City, N. J., was denied its application to change its equipment and to increase its daytime power from 250 to 1,000 watts.

The Commission has denied as in case of default because of non-appearance at a hearing the application of Leon M. Eisfeld to construct a station at Burlington, Iowa, to use **1310 kc.**, 100 watts, and unlimited time.

The application of Geraldine Alberghane to construct a new station at Pawtucket, R. I., to use **720 kc.**, 1,000 watts power, and daytime operation has been dismissed as in default because of failure to appear at the hearing.

## SET FOR HEARING

KDNC—The Democrat News Co., Inc., Lewistown, Mont.—Designated for hearing application for modification of C. P. for a new broadcast station to extend commencement date from 11-7-37 to 1-1-39 and completion date from 5-7-38 to 6-1-39. Frequency: **1200 kc.**; power 100 watts night, 250 watts day, unlimited time.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—C. P. to move transmitter and studio sites locally;

install new equipment and directional antenna system; change frequency from **1420** to **1270 kc.**; increase power from 100 watts night, 250 watts day, to 1 KW unlimited employing directional antenna system for nighttime operation only.

NEW—R. C. Atwood, Port Angeles, Wash.—C. P. for a new station to operate on **1500 kc.**, 100 watts, unlimited time; exact transmitter and studio sites to be determined with Commission's approval.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Modification of license to change power at night from 500 watts to 1 KW.

WBCM—Bay Broadcasting Co., Inc., Bay City, Mich.—Modification of license to increase night power from 500 watts to 1 KW.

WPAX—H. Wimpy, Thomasville, Ga.—C. P. to make changes in equipment and increase power and time of operation from 100 watts day to 100 watts night, 250 watts day, unlimited time.

NEW—Pawtucket Broadcasting Co., Pawtucket, R. I.—C. P. for new station to operate on **1390 kc.**, 1 KW night, 1 KW day, unlimited time, using directional antenna day and night.

WBAA—Purdue University, Lafayette, Ind.—C. P. already in hearing docket, amended so as to request move of station to Indianapolis; install new equipment and directional antenna system; increase power and time of operation from 500 watts night, 1 KW day, to 1 KW night, 5 KW day, specified hours to unlimited time.

KXL—KXL Broadcasters, Portland, Ore.—C. P. to move transmitter to Vancouver, Wash., install directional antenna system and new equipment; change frequency from **1420** to **1110 kc.**; increase power from 100 watts night, 250 watts day to 5 KW, and from sharing time with KBPS to unlimited using directional antenna for both day and nighttime operation. (To be heard before the Commission.)

NEW—Hal Broadcasting Co., Inc., Camden, N. J.—C. P. for new station to operate on **1500 kc.**, 100 watts night, 250 watts day, unlimited time. Transmitter and studio sites and type of antenna to be determined with Commission's approval.

WGNY—Peter Goelet, Newburg, N. Y.—C. P. already in hearing docket amended to request changes in equipment and frequency to **1220 kc.**, power and time of operation to 250 watts, daytime only.

NEW—Mountain Top Trans Radio Corp., Denver, Colo.—C. P. already in hearing docket amended to request **1310 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter site to be determined with Commission's approval.

WIP—Pennsylvania Broadcasting Co., Inc., Philadelphia, Pa.—C. P. already in hearing docket amended to request move of transmitter site approximately 6.2 miles SE of City Hall; install new equipment and directional antenna system for day and night operation; increase day power from 1 to 5 KW.

WSBT—The South Bend Tribune, South Bend, Ind.—C. P. already in hearing docket amended to request installation of new equipment and directional antenna system; change frequency from **1360** to **1010 kc.**; increase power from 500 watts night and day to 1 KW, unlimited time instead of S-WGES, using directional antenna for nighttime operation.

## RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KCMO, Kansas City, Mo.; KERN, Bakersfield, Calif.; KGFL, Roswell, N. Mex.; KNET, Palestine, Tex.; KRE, Berkeley, Calif.; KRKO, Everett, Wash.; KXL, Portland, Ore.; KXO, El Centro, Calif.; WKBB, E. Dubuque, Ill.; WMFO, Decatur, Ala.; WOC, Davenport, Iowa; WOPI, Bristol, Tenn.; WPAR, Parkersburg, W. Va.; WRJN, Racine, Wis.; WRTD, Richmond, Va.; WWRL, Woodside, L. I.

The following stations were granted renewal of licenses for the period ending June 1, 1938:

KWG, Stockton, Calif.; WABI, Bangor, Me.; WGCM, Mississippi City, Miss.; WJEJ, Hagerstown, Md.; WSBC, Chicago.

The licenses of the following stations were further extended upon a temporary basis only, pending receipt of and determination upon applications for renewal of license, in no event longer than February 1, 1938:

KAST, Astoria, Ore.; KBIX, Muskogee, Okla.; KEEN, Seattle, Wash.; KFRO, Longview, Tex.; KGFI, Brownsville, Tex.; KGKL, San Angelo, Tex.; KIUP, Durango, Colo.; KOVC, Valley City, N. Dak.; KPQ, Wenatchee, Wash.; KRNR, Roseburg, Ore.; KSLM, Salem, Ore.; KUJ, Walla Walla, Wash.; KUMA, Yuma, Ariz.; KWBG, Hutchinson, Kans.; WABY, Albany, N. Y.; WAGM, Presque Isle, Me.; WCBS, Springfield, Ill.; WFOR, Hattiesburg, Miss.; WGPC, Albany, Ga.; WHDF, Calumet, Mich.; WHEF, Kosciusko, Miss.; WMIN, St. Paul, Minn.; WMSD, Sheffield, Ala.; WPRA, Mayaguez, P. R.; WPRP, Ponce, P. R.; WTMV, E. St. Louis, Ill.

The following stations were granted extensions of present licenses for a period of two months from January 1, 1938, on a temporary basis, pending action on renewal applications:

WKEU, Griffin, Ga.; KIUM, Pecos, Tex.; WJBK, Detroit, Mich.; KGGC, San Francisco, Calif.; WRBL, Columbus, Ga.; WHDF, Calumet, Mich.; KCKN, Kansas City, Kans.; KOBH, Rapid City, S. Dak.; KDB, Santa Barbara, Calif.; W8XLT, Leo J. Omelian; W4XO, Juan Piza; W4XP, Juan Piza; W1XCW, Regan and Bostwick; W9XGM, WCBD, Inc.; W4XF, Isle of Dreams Broadcasting Corp.; W9XIW, WCBD, Inc.; W9XJM, WCBS, Inc.; W3XEL, WFIL Broadcasting Co.; W3XEM, WFIL Broadcasting Co.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Present license extended on a temporary basis for a period in no event longer than July 1, 1938, pending determination upon renewal application now pending before the Commission.

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Present license extended on a temporary basis for a period in no event longer than July 1, 1938, pending determination upon renewal application now pending before the Commission.

WKBV—Knox Radio Corporation, Richmond, Ind.—Present license extended on a temporary basis for a period in no event longer than July 1, 1938, subject to whatever action may be taken by the Commission upon the application of this station for renewal of license and upon the application of C. Bruce McConnell.

KSUB—Johnson & Perry, Cedar City, Utah.—Present license further extended upon a temporary basis only, pending receipt of and determination upon application for renewal, in no event longer than February 1, 1938.

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Present license further extended upon a temporary basis only, pending receipt of and determination upon application for renewal, in no event longer than February 1, 1938.

WTHT—The Hartford Times, Inc., Hartford, Conn.—Present license further extended upon a temporary basis only, pending receipt of and determination upon application for renewal, in no event longer than February 1, 1938.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license further extended upon a temporary basis only, pending receipt of and determination upon application for renewal, in no event longer than February 1, 1938.

KIUN—Pecos Broadcasting Co., Pecos, Tex.—Present license extended for a period of two months from January 1st, pending action on renewal application.

The following applications for renewal of experimental relay broadcast station licenses were granted for the period ending December 1, 1938:

W8XCF, Adirondack Broadcasting Co., Inc.; W8XHV, The Evening News Assn.; W8XHX, The Evening News Assn.; W8XIG, The Evening News Assn.; W8XIQ, The WGAR Broadcasting Co.

The following licenses for experimental relay broadcast stations were further extended upon a temporary basis only, pending receipt of and determination upon applications for renewal of license, in no event longer than February 1, 1938:

W7XBH, Benson Polytechnic School; W1XQ, Broadcasting Service Organization, Inc., W5XAQ, E. Texas Broadcasting Co.; W8XEO, Harold F. Gross; W4XCH, Wilton E. Hall; W8XAA, Howitt-Wood Radio Company, Inc.; W10XBH, Charles L. Jaren; W2XEI, Metropolitan Broadcasting Corp.; W6XKL, Nichols & Warinner, Inc.

## SPECIAL AUTHORIZATIONS

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 10 p. m. to 1 a. m., AST, on the nights of December 31, 1937, and January 5, 1938.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 10 p. m. EST, December 31, 1937, to 4 a. m., EST, January 1, 1938 (provided WOSU remains silent), in order to broadcast special New Years Eve program.

KHUB—Anna Atkinson, Executrix, Watsonville, Calif.—Granted special temporary authorization to operate from 10 p. m., EST, December 31, 1937, to 1 a. m., EST, January 1, 1938, in order to broadcast special events.

WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to operate from 7:45 p. m. to 10:30 p. m., EST, January 7, 11, 14 and 18, 1938, in order to broadcast home basketball games.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate from 10 to 11 a. m., EST, on Sundays, for the period beginning January 2, 1938, and ending in no event later than January 30, 1938, in order to broadcast church services.

KGEK—Elmer G. Boehler, Sterling, Colo.—Granted extension of special temporary authority to operate from 1:30 to 2:30 p. m., MST, Saturdays, January 1, 8, 15, 22 and 29, 1938, in order to broadcast the livestock auctions from local sales pavilion.

KFOX—Nichols and Warinner, Inc., Long Beach, Calif.—Granted special temporary authority to rebroadcast 30-minute bits of information from a TWA plane using the police transmitter of the Pasadena Police Department, W6XJY, January 1, 1938, for the purpose of acquainting the listening public with the traffic problems encountered by the police and the manner in which they are handled by the use of observers in the plane.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—Granted special temporary authority to rebroadcast 30-minute bits of information from a TWA plane using the police transmitter of the Pasadena Police Department, W6XJY, January 1, 1938, for the purpose of acquainting the listening public with the traffic problems encountered by the police and the manner in which they are handled by the use of observers in the plane.

WKAR—Michigan State College, East Lansing, Mich.—Granted extension of special temporary authority to rebroadcast Naval Observatory time signals over WKAR, provided station complies with requirements of Naval Observatory station, for the period February 1 to August 1, 1938.

W7XAC—Symons Broadcasting Co., Spokane, Wash.—Granted special temporary authority to operate experimental relay broadcast station for a period of 30 days, for the purpose of relaying special programs for broadcast through station KXL in Portland, Ore., provided Symons Broadcasting Company as licensee of W7XAC retains control and bears all responsibility for the proper operation thereof.

WQDM—Regan & Bostwick, St. Albans, Vt.—Granted extension of special temporary authority to operate from 7:45 to 9:45 p. m., EST, January 6, 11, and 15, 1938, in order to broadcast sponsored evening basketball games, using 500 watts power.

WSUI—State University of Iowa, Iowa City, Ia.—Granted special temporary authority to operate a minimum of six and one-half hours daily instead of unlimited time for the period beginning January 24, 1938, and ending no later than January 28, 1938, inclusive, in order to observe the semester examination holiday at the State University of Iowa.

WPTF—WPTF Radio Company, Raleigh, N. C.—Granted special temporary authority to operate from 11 to 11:30 p. m., EST, January 29, February 5, 12, 19, 26, 1938, in order to broadcast the complete program of the NBC Philharmonic series.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted special temporary authority to operate unlimited time for a period not to exceed 30 days (provided WRAX remains silent).

KTHS—Hot Springs Chamber of Commerce, Hot Springs Natl. Park, Ark.—Denied special temporary authority to operate daily except Sunday from 5 to 6 a. m., CST, for a period not to exceed 30 days, in order to broadcast rural program of music, complete news summary and farm and home information; to operate from 12 midnight to 7 a. m., CST, Sundays, for period not to exceed 30 days, in order to broadcast advertising of Hot Springs Natl. Park as a vacation and health resort for the nation; to operate simultaneously with WBAL from local sunset (November sunset 5:15 p. m., December sunset 5 p. m.) to 6 p. m, CST, for a period not to exceed 30 days, in order to feature programs of educational or informative nature, a daily children's dramatic serial, news broadcast.

WENR—National Broadcasting Co., Inc., Chicago, Ill.—Granted special temporary authority to waive regularly required sign-off and sign-on announcements during programs by the Philadelphia Symphony Orchestra, for the period January 3 to 10, 1938.

WLS—Agricultural Broadcasting Co., Chicago, Ill.—Granted special temporary authority to waive regularly required sign-off and sign-on announcements during programs by the Philadelphia Symphony Orchestra, for the period January 3 to 10, 1938.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:15 to 9 p. m., PST, January 4, 5, 7, 8, 14, 15, 18, 19, 21, 25, 26, 28, 29, in order to broadcast basketball games.

National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to transmit program material of the Imperial Tobacco Company consisting of talks by L. S. Shapiro, News Commentator over network of the Canadian Broadcasting Corporation, for 15 minute period *on Fridays only,* for the period beginning January 14, 1938, and ending in no event later than February 11, 1938, inclusive.

National Broadcasting Co., Inc., New York City.—Granted special temporary authority to rebroadcast over NBC network during program describing tournament of Roses Parade, Pasadena, Cal., January 1, 1938, at intervals throughout day of 30 second bits of communications from police station W6XJY, operating on TWA plane while flying over Pasadena directing traffic control as of interest to public.

WLBL—State of Wisconsin, Department of Agriculture and Markets, Stevens Point, Wis.—Granted special temporary authority to remain silent from 1 p. m. to local sunset (January 4:45 p. m.), CST, on Saturdays during the month of January, 1938.

WMFO—James R. Doss, Jr., Decatur, Ala.—Granted special temporary authority to operate from 7 to 11 p. m., CST, January 3, 1938, in order to carry statewide Democratic Rally.

WSMK—WSMK, Inc., Dayton, Ohio.—Granted special temporary authority to operate simultaneously with KQV from 7:30 to 7:45 p. m., EST, January 3, 1938, for a special broadcast to be given by Governor Davey of Ohio.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings for the period beginning January 4, 1938, and ending in no event later than February 2, 1938, in order to broadcast certain educational programs.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with stations WIBW, Topeka, Kans., and WCHS, Charleston, W. Va., with power of 250 watts, from 7:30 to 9:30 p. m., CST, January 4, 10, 15 and 17, 1938 and from 6:30 to 8:30 p. m., CST, January 8, 1938, and from 7 to 9 p. m., CST, January 22, 1938, in order to broadcast University basketball games.

## MISCELLANEOUS

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Granted order to take depositions in re application for modification of license to use 1 KW at night, **1120 kc.,** Docket 4900. Hearing scheduled for January 29, 1938.

WGH—Hampton Roads Broadcasting Co., Newport News, Va.—Granted petition to intervene in hearing of application of Colonial Broadcasting Corporation for a new radio broadcasting station at Norfolk, Va., to use **1370 kc.,** 100 watts night, 250 watts local sunset, unlimited time. (Docket 4903.)

KAST—Astoria Broadcasting Co., Astoria, Ore.—Granted motion for continuance of hearing, now scheduled for January 10, 1938, upon its application to use **1200 kc.,** 100 watts night, 250 watts day, unlimited time (Docket 4836). This station now operates on **1370 kc.,** 100 watts, daytime only.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Granted petition to accept its answer in the matter of the application of WKEU (Docket No. 4894), to use **1310 kc.,** 100 watts night, 250 watts local sunset, unlimited time, at Macon, Georgia.

NEW—Philadelphia Radio Broadcasting Co., Philadelphia, Pa.—Granted indefinite continuance of the oral argument upon its application for a new station to use **1570 kc.,** 1 KW, unlimited time (Docket No. 4439), now scheduled for January 6, 1938.

Magnolia Petroleum Co., Owner, Sabine Broadcasting Co., Licensee of station KFDM and, Beaumont Broadcasting Corp., Beau-

mont, Tex.—Denied petition filed jointly waiving exceptions to Examiner's Report No. 1-565, and requesting that the application for assignment of license of KFDM (Docket No. 4767), to the Beaumont Broadcasting Corporation be granted before December 31, 1937.

WNBZ—Smith and Mace, Saranac Lake, N. Y.—Granted renewal of license on regular basis for period ending April 1, 1938. Continuation of program test period 30 days' from December 30th.

KTKC—Tulare-Kings Counties Radio Associates—Chas. A. Whitmore, President, Visalia, Calif.—Granted special temporary authorization to operate from 11:45 p. m., PST, December 31, 1937 to 1:45 a. m., PST, January 1, 1938 in order to broadcast a New Year's program.

WGRC—Northside Broadcasting Corp., New Albany, Ind.—Granted renewal of license for the period ending July 1, 1938.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Designated for hearing application for renewal of license and temporary license granted pending hearing and decision for period no later than July 1, 1938.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted request for addition of one witness to the petition for deposition and order. The order provides for the taking of depositions of certain witnesses at Baton Rouge, January 6, 1938, in re application for C. P. to increase power from 500 watts to 1 KW.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted special temporary authorization to operate from local sunset (December, 4:45 p. m., CST), to 7:00 p. m., CST, December 30, 1937, in order to carry state hookup for Honorable Lister Hill in his campaign for United States Senate, using power of 100 watts.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, National Park, Ark.—Granted special temporary authorization to operate from local sunset (January sunset, 5:30 p. m.), to 7 p. m., CST, on **1060 kc.,** or to the conclusion of the Rose Bowl football game, January 1, 1938.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Granted petition asking stay of effective date of its final order (Docket No. 4921) for a period not exceeding 30 days relative to the painting and illumination of antenna tower. The order was entered December 9, 1937 and required completion of the work within 10 days from date it was served upon respondent which was December 13, 1937.

Telegraph Herald Co., Dubuque, Iowa.—Suspended grant of C. P. to erect a new broadcast station at Dubuque, made July 2, 1937, effective July 27, 1937, following receipt of, and in accordance with, the mandate of the U. S. Court of Appeals for the District of Columbia as the result of a Stay Order obtained by Sanders Brothers Radio Station in an appeal from the decision of this Commission in this case. The grant will be held in abeyance pending determination of this appeal or until further order of the Court.

NEW—Peninsular Newspapers, Inc., Palo Alto, Cal.—Denied petition for rehearing on application for new broadcast station at Palo Alto, to use **1160 kc.,** 250 watts, daytime only. This application was denied September 14, 1937, and final order was entered on that date, effective October 26, 1937.

KGDM—E. F. Peffer, Stockton, Cal., and KQW, Oregonian Publishing Co., Portland, Ore.—Dismissed opposition to the amended petition of Peninsular Newspapers, Inc., for rehearing on application for authority to establish new radio broadcasting station at Palo Alto, Cal., to operate on **1160 kc.,** 250 watts, daytime. (Docket No. 3845).

WRSP—WRSP, Inc., Wisconsin Rapids, Wis.—Denied petition asking Commission to withhold action upon the application of William F. Huffman for a new radio broadcast station at Wisconsin Rapids to use **580 kc.,** 250 watts, unlimited time.

NEW—L. B. McCormick, Greenville, N. C.—Denied petition asking Commission to reconsider and grant without a hearing application for a new broadcast station to use **1370 kc.,** 250 watts, daytime only. This application was designated for hearing on November 9, 1937.

NEW—Falls City Broadcasting Corp., Falls City, Neb.—Denied petition for reconsideration of application to establish a new radio broadcasting station at Falls City, to use **1310 kc.,** 100 watts, unlimited time. This application was denied on August 20, 1937.

NEW—Elwood Warwick Lippincott, Inc., Bend, Ore.—Denied petition requesting reargument be held before Commission en banc on Examiner's Report 1-432 (Docket No. 4339), which recommends the granting of the application of The Bend Bulletin for authority to establish a new radio broadcasting station at Bend, Ore., to use **1310 kc.,** 100 watts night, 250 watts local sunset. Opposition to the petition filed by the Bend Bulletin was dismissed.

WAAF—Corn Belt Publishers, Inc., Chicago, Ill.—Denied petition to waive Rule 103.18 with reference to submission of documentary evidence in re application to transfer control of station.

WMFO—James R. Doss, Jr., Decatur, Ala.—Granted special temporary authority to operate from 7 to 10 p. m., CST, January 4, in order to broadcast State election returns.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted special temporary authority to operate unlimited time Tuesday, January 4, 1938, using 100 watts only, in order to carry election returns.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted extension of special temporary authority to operate from 5 to 6 a. m., CST, with 1 KW only, for the period beginning January 13 and ending in no event later than February 11, inclusive, in order to conduct an experimental farm program.

## APPLICATIONS RECEIVED

### First Zone

**900** WBEN—WBEN, Inc., Buffalo, N. Y.—Modification of license to change power from 1 KW night, 5 KW day, to 5 KW day and night.

**1370** WABY—The Adirondack Broadcasting Co., Inc., Albany, N. Y.—License to cover construction permit (B1-MP-405) for changes in equipment and increase in power.

**1500** WSYB—Philip Weiss, tr/as Philip Weiss Music Co., Rutland, Vt.—Construction permit to install a new vertical antenna, change hours of operation from specified hours to unlimited time and move transmitter from 80 West St., Rutland, Vt., to Creek Road, Rutland, Vt. Amended to change geographic location.

### Second Zone

**590** WKZO—WKZO, Inc., Kalamazoo, Mich.—Modification of construction permit (2-P-B-3134) for new equipment; change in hours of operation; increase in power and move of transmitter, requesting installation of new transmitter, approval of directional antenna for night use and approval of transmitter site at ½ mile west of North Riverview Drive (WKZO Road), near Parchment, Mich.

**1200** NEW—Clarence P. Kammeraad and Lawrence P. Smith, d/b as Kammeraad-Smith Broadcasting Co., Holland, Mich.—Construction permit for a new station to be operated on **1200 kc.,** 100 watts, 8 a. m. to 8 p. m. Amended to give transmitter site as Southwest Heights, Holland, Mich., and studio site as 1 East 8th Street, Holland, Mich.

**1210** WJIM—Harold F. Gross, Lansing, Mich.—Voluntary assignment of license from Harold F. Gross to WJIM, Inc.

### Third Zone

**1060** KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Extension of special experimental authorization to operate on frequency **1060 kc.,** simultaneous WBAL from 6 a. m. to local sunset daily, suspend until 8 p. m., and unlimited time from then until midnight, for period 2-1-38 to 8-1-38.

**1500** KPLT—The North Texas Broadcasting Co., Paris, Tex.—Authority to transfer control of corporation from A. G. Mayse to A. G. Mayse, M. B. Hanks and Houston Harte.

### Fourth Zone

**1500** WKBV—Knox Radio Corporation, Richmond, Ind.—Authority to install automatic frequency control.

### Fifth Zone

**1370** KRKO—Lee E. Mudgett, Everett, Wash.—Construction permit to install a new transmitter and vertical antenna; increase power from 50 watts to 100 watts night, 250 watts day; change hours of operation from share KEEN to unlimited time, and move transmitter from 2814 Rucker Avenue, Everett, Wash., to site to be determined, Everett, Wash.



NAB LIBRARY

# The National Association of Broadcasters

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JAMES W. BALDWIN, Managing Director

## NAB REPORTS ★ ★ ★ ★ ★

SPECIAL
JAN. 14, 1938


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### Notice to Members:

In pursuance of the provisions contained in Article 9 of the Constitution, and By-Law 17 of the By-Laws, of the National Association of Broadcasters, Inc., notice is hereby given that the Committee on Reorganization has given notice to the Managing Director and to the Board of Directors that the amendments of, and substitution for, the existing Certificate of Incorporation, Constitution and By-Laws of the Association as proposed in the Certificate of Incorporation and By-Laws hereinafter described will be presented by that Committee to the membership for approval or rejection at the next annual meeting to be held in Washington, D. C., on February 14, 1938.

JAMES W. BALDWIN,
*Managing Director.*

The above mentioned notice received by the Managing Director and the Board of Directors from the Committee on Reorganization, and the proposed Certificate of Incorporation and By-Laws are as follows:

January 12, 1938.

To all Officers, Directors and Members of the National Association of Broadcasters:

Pursuant to the resolution adopted by the membership of the National Association of Broadcasters held in New York, N. Y., on October 12 and 13, 1937, the Committee on Reorganization sent to all members on December 11, 1937, a plan for the reorganization of the Association and at the same time requested criticisms and suggestions of the proposals incorporated in the plan. At a meeting of the Committee held in Washington, D. C., on January 5 and 6, 1938, all of the suggestions received by the Committee and by all of its members were considered by the Committee and in most instances these suggestions were adopted. Appropriate changes in the Certificate of Incorporation and in the By-Laws, as proposed in the report submitted on December 11, 1937, were approved by the Committee for the purpose of giving expression to these suggestions.

Only the changes from the original report will be discussed.

Attached hereto and made a part of this report is a copy of the Certificate of Incorporation and By-Laws as revised from the December report of the Committee. Both the Certificate of Incorporation and the By-Laws, as submitted with this report, are in the form of amendments of, or substitutions for, the existing Certificate of Incorporation, Constitution and By-Laws of the Association.

As a part of this report the Committee hereby gives notice to the Managing Director and to the Board of Directors that the amendments of, and substitutions for, the existing Certificate of Incorporation, Constitution and By-Laws of the Association as proposed in the attached Certificate of Incorporation and By-Laws will be presented by the Committee to the membership for approval or rejection at the next annual meeting to be held in Washington, D. C., on February 14, 1938. The Committee further requests that the proper officer, officers or Directors of the Association send to each and every member of the Association such notice as may be necessary to conform with the existing Certificate of Incorporation, Constitution and By-Laws in order that the amendments and substitutions proposed may be properly and legally acted upon at the February 14, 1938, meeting. In this connection the Committee calls attention of members to the resolution adopted at the October meeting.

The only change in the Certificate of Incorporation as proposed in the December report (Pages 14, 15 and 16) is in the numbering of the last three paragraphs. Paragraphs "Tenth," "Eleventh" and "Twelfth" become paragraphs "Eighth," "Ninth" and "Tenth," respectively.

No changes are proposed in Article I (Name) or Article II (Objects) as proposed in the December report.

In Article III (Membership and Districts) Section 4 has been changed to provide for seventeen District Direc-

tors instead of fifteen as proposed in the December report. For example, Delaware has been included with New Jersey and Pennsylvania in District 3, and South Carolina has been substituted for Delaware in District 4. With this change, District 5 now consists of Alabama, Florida and Porto Rico. Michigan has been taken from District 7 and shifted to District 8. District 7 therefore includes the States of Kentucky and Ohio while District 8 will include Indiana and Michigan. District 9 will be made up of Illinois and Wisconsin while District 10 will include the States of Iowa, Missouri and Nebraska. District 11 includes the States of Minnesota, North Dakota and South Dakota, while District 12 will include Kansas and Oklahoma. District 13 will be made up of Texas broadcasters and District 14 will include the States of Colorado, Idaho, Utah, Wyoming and Montana. District 15 will include Northern California, Nevada and Hawaii, while District 16 will include Arizona, New Mexico and Southern California. Alaska, Oregon and Washington make up District 17.

All of these changes in Districts and groupings were necessary to meet as nearly as possible the suggestions made by members.

ARTICLE IV (Dues) has been rewritten and this Article should be read as a new provision.

ARTICLE V (Meetings). There is a slight change in this Article in order to make it conform with the Certificate of Incorporation. As now written the time and place of the annual meeting may be determined either by the membership or the Board of Directors.

ARTICLE VI (Order of Business) remains as written in the December report.

ARTICLE VII (Directors). There has been extensive revision of this Article. As now written all of the major criticisms of the former Article have been met. Section 1 of this Article increases from twenty-one to twenty-three the number of Directors. Section 2 provides that the Directors-at-Large shall be chosen as follows: "two of which shall be representative of large stations, two of which shall be representative of medium stations, and two of which shall be representative of small stations" and that "operating power to govern these classifications." This provision makes mandatory the representation of large, medium and small stations on the Board of Directors and will insure the effectiveness of Article X, which provides for the appointment of an Executive Committee from the Board, which Committee must be representative of large, medium and small interests. Sections 3, 4, 5 and 6 have been completely rewritten from the first draft.

Section 3 of Article VII, when read with Article IX, in effect sets up seventeen sub-organizations with a Director at the head of each. It provides that the stations located in each District shall elect their Director in advance of the annual membership meeting and prescribes the method of nominating, electing and certifying such Directors. This is a change from the earlier draft which provided that District Directors were to be nominated rather than elected by the Districts. Section 4 provides that the District Directors shall constitute a nominating committee to nominate Directors-at-Large and provides that such nominations must be reported at the first session of the annual meeting. Section 5 provides the procedure to be followed in electing Directors-at-Large.

Section 4 provides that the terms of District Directors shall be for two years and that Directors-at-large shall be elected annually. In order to carry this provision into effect, it is provided that the Directors to be elected by Districts 1, 3, 5, 7, 9, 11, 13, 15 and 17 shall be elected for a one year term and their successors for two year terms. Other District Directors shall be elected for the regular two year term at the February meeting. The purpose of this is to maintain continuity in the business of the Board of Directors.

All of these changes were suggested by members in communications to the Committee and as nearly as possible to do so all suggestions relating to Directors were adopted by the Committee.

Sections 8, 9, 10, 11, 12, 13 and 14 have been renumbered and become Sections 7, 8, 9, 10, 11, 12 and 13, respectively.

ARTICLE VIII (Officers) remains as written in the December draft.

ARTICLE IX (District and State Divisions). This Article has been changed in order to provide machinery by which the Association may tie into the national body all groups of broadcasters now organized, or to be organized in the future. For example, it is hoped that the Board will provide working rules or charters to be issued to any and all organizations of broadcasters, state or city organizations, and tie them into the national body through the District Directors. At some future time, when a sufficient number of such organizations are perfected under the supervision of the national body the Board should give consideration to providing that the heads of these organizations shall become an advisory committee or board, with the District Director as its head. Since organization work along this line is far from complete, the Committee was of the opinion that at this time it could only provide the machinery by which such organization all the way to the bottom could be perfected and leave to the future the adoption of whatever changes in the By-Laws are necessary to give permanency and efficiency to this feature of the plan.

ARTICLE X (Committees). Sections 2 and 3 of this Article as originally written have been deleted. In other

words, the Committee, acting upon the suggestions before it, thought it advisable to eliminate the requirement making the appointment of Standing Committees mandatory and leave to the Board of Directors the power to create such standing and special committees as in its judgment are necessary to the proper conduct of the business of the Association.

ARTICLE XI (Officers), ARTICLE XII (Seal) and ARTICLE XIII (Amendments) have not been changed from the December report.

Since the time and place for the annual meeting has been fixed under the same resolution providing for reorganization, it was the feeling of the Reorganization Committee that consideration of this matter should be made the first order of business at the Convention.

Being a meeting having as its main purpose the reorganization of the Association, the sessions of the Convention will be closed to all except members. However, it is strongly urged by the Committee that all non-members should apply for membership in advance of the meeting, pay their dues for a period of at least one month, and thus have the right to participate in the consideration of the proposed reorganization plan. The Committee was of the opinion that the attendance of exhibitors and other non-broadcasters should be discouraged by the Board of Directors in publicizing the Convention.

A two-thirds vote of the members present and voting will be necessary to put the reorganization plan into effect. Furthermore, District Directors will be elected by a majority vote of the members from each District present and voting at each District meeting. It is therefore important that all NAB members make arrangements to attend the meeting and take an active part in the activities of the Convention.

If the plan is adopted it will go into effect immediately. It will therefore be necessary upon adoption of the plan for the meeting to recess in order to permit meetings of members from each of the seventeen Districts in order to allow each to elect its Director. At these District meetings it will be necessary for each group to select a temporary chairman from its own number and conduct its election in the most expeditious manner consistent with proper procedure. After each group has completed its election, the seventeen Directors will meet as a Nominating Committee to select twelve nominees for the six Directorships-at-large as provided in the By-Laws. Balloting on these Directorships will be by secret ballot and printed ballots will be provided for this purpose.

The Reorganization Committee might have been more specific on some of the matters which were suggested by members in their communications, but it was felt that the new Board, being a representative of the entire membership, would be in a better position to deal with these specific matters. For example, it was the feeling of the Committee that the new President should have complete authority to build his own staff along the lines which will afford most efficient functioning of the Association. The detailed plan which was submitted by the Committee in the December report should be used as a guide, but the Committee does not want it to be understood that there should not be departure from the plan. Enough flexibility is provided in the By-Laws to permit the new Board and the President to reduce or increase the number of the headquarters staff, consolidate or expand the duties of each member of such staff, and otherwise mould the working staff of the Association in accordance with the policies which the new Board must promulgate. The Committee does regard the outline of functions and duties contained in the December report as recommendations to the membership and to the new Board to be used as a guide in getting the reorganized Association under way and as an expression of its views of the scope of the activities of the Association. It is assumed by the Committee that the new Board will not overload the organization either with personnel or duties but will give immediate attention to those functions which are immediately necessary in the general interests of the industry as a whole. As much or as little of the detailed plan as fits the needs and revenue of the Association at this time should be adopted.

The Committee urges that in each case the responsible head of the member station attend the February meeting as its delegate.

The Committee recommends that the new Board, upon its election, proceed with the appointment of a President or, if that cannot be done immediately, that it select a temporary head to serve until such time as it can make a proper appointment. In any event, however, the new Board should appoint a Secretary-Treasurer, and fix the dues of Associate Members. The Committee stands ready and willing to meet with the new Board and give it the benefit of its experience and suggestions, if authorized to do so by the membership.

The Committee expresses the hope that the Association, in its reorganized state, will become so valuable to its members and achieve such favorable standing in the eyes of the public and the Government, that every station worthy of a license will consider it an honor to be a member. It is the hope of the Committee, also, that each member will so treasure its membership and its right to display the NAB insignia that it will conform to all sound policies of the Association rather than face loss of these rights through expulsion.

The Certificate of Incorporation and By-Laws attached hereto are in the form in which they will be presented to the meeting in February. With respect to the Certificate of Incorporation each amendment will be presented separately while the By-Laws are presented as a substitute for the present Constitution and By-Laws.

With this explanation, the Certificate of Incorporation and By-Laws attached hereto are submitted and notice given that these amendments of, and substitutions for, the existing Certificate of Incorporation, Constitution and By-Laws of the Association will be presented for approval or rejection at the annual membership meeting to be held commencing on February 14, 1938, at Washington, D. C.

The Committee emphasizes again that each and every member make arrangements to attend and participate in the important task of reorganizing the Association and that each member urge all non-members to join the Association before the date of meeting in order to permit them to be present and assist in the reorganization effort.

Respectfully submitted,

COMMITTEE ON REORGANIZATION:

Edward A. Allen
Edwin W. Craig
E. B. Craney
Walter J. Damm
John Shepard, 3rd Members
Mark Ethridge, Advisory member
Phillip G. Loucks, Counsel

## CERTIFICATE OF INCORPORATION of NATIONAL ASSOCIATION OF BROADCASTERS

First: The name of this corporation is NATIONAL ASSOCIATION OF BROADCASTERS.

Second: Its principal office in the State of Delaware is located at No. 7 West Tenth Street, in the City of Wilmington, County of New Castle. The name and address of its resident agent is the Corporation Trust Company of America, No. 7 West Tenth Street, Wilmington, Delaware.

Third: The nature of the business, or objects or purposes to be transacted, promoted or carried on are:

To foster and promote the development of the art of radio broadcasting; to protect its members in every lawful and proper manner from injustices and unjust exactions; to foster, encourage and promote laws, rules, regulations, customs and practices which will be for the best interests of the public and the radio industry.

Fourth: Said corporation is not for profit and desires to have no capital stock. The members of said corporation shall consist of the original corporators named in this certificate of incorporation, and any duly admitted person, firm or corporation engaged in the operation of any radio broadcasting station or any person, firm or corporation associated with radio broadcasting.

The Board of Directors shall have authority to accept or reject applications for membership.

Fifth: The names and places of residence of each of the original corporators are as follows:

| *Name* | *Residence* |
|---|---|
| M. K. Gilliam | Hotel McAlpin, New York City |
| M. J. Woods | 711 Fifth Avenue, New York City |
| Paul W. Morency | 136 West 44th Street, NewYork City |

Sixth: Said corporation is to have perpetual existence.

Seventh: The private property of the members shall not be subject to the payment of corporate debts to any extent whatever.

Eighth: The Board of Directors shall have the general management and supervision of the affairs of this Association and may appoint such officers and such committees and with such powers as it may deem best to serve the interests of the Association.

The Board of Directors shall meet at least three times a year.

The Board of Directors shall appoint a President who shall be the legal agent of the Association in accordance with the requirements of law. The Board of Directors shall have power to appoint and employ such other employees as, in its judgment, are necessary for the proper performance of the work of the Board and the Association, but no contract of employment shall exceed the term of three years.

Ninth: The date and place of holding each annual meeting of the members of this Association shall be determined upon at the preceding annual meeting of the members and if no date and place are determined upon by the members, then the directors shall determine upon the date, time and place of holding the annual meeting of the members and shall give the members at least fifteen days notice of the date and place so determined upon.

Tenth: This certificate of incorporation may be repealed or amended only by a two-thirds vote of the qualified voting members present at any annual meeting of the Association, providing such proposed repeal or amendments shall have been mailed to the President of the Association thirty days prior to the date of such annual meeting; notification thereof shall be mailed to the members of the Association at least fifteen days prior to the date of such meeting.

We, the undersigned, being all of the original corporators hereinbefore named, for the purpose of forming a corporation to do business both within and without the State of Delaware, and in pursuance of the general corporation law of the State of Delaware, being Chapter 65 of the Revised Code of Delaware, and the Acts amendatory thereof and supplemental thereto, do make and file this certificate hereby declaring and certifying that the

facts herein stated are true, and accordingly have hereunto set our hands and seals this 31st day of October, A. D. 1927.

M. K. GILLIAM (SEAL.)
M. J. WOODS (SEAL.)
PAUL W. MORENCY (SEAL.)

STATE OF NEW YORK
COUNTY OF NEW YORK } ss.

Be it remembered that on this 31st day of October, A. D. 1927, personally appeared before me, HENRY W. PAPROCKI, a notary public for the State of New York, M. K. GILLIAM, M. J. WOODS, and PAUL W. MORENCY, parties to the foregoing certificate of incorporation, known to me personally to be such, and severally acknowledged the said certificate to be the act and deed of the signers respectively and that the facts therein stated are truly set forth.

Given under my hand and seal of office the day and year aforesaid.

HENRY W. PAPROCKI,
*Notary Public.*

Notary Public, Suffolk County; Certificate filed N. Y. Co. No. 80; Reg. N. Y. Co. No. 8103; Cert. filed Kings Co. No. 73; Reg. Kings Co. No. 8053; Cert. filed Queens Co. No. 581; My commission expires March 30, 1938. (SEAL)

## BY-LAWS of the NATIONAL ASSOCIATION of BROADCASTERS

### ARTICLE I—NAME

The name of this Association shall be the National Association of Broadcasters.

### ARTICLE II—OBJECTS

The object of this Association shall be to foster and promote the development of the art of radio broadcasting; to protect its members in every lawful and proper manner from injustices and unjust exactions; to foster, encourage and promote laws, rules, regulations, customs and practices which will be for the best interest of the public and the radio industry.

### ARTICLE III—MEMBERSHIP AND DISTRICTS

SECTION 1. CLASSES OF MEMBERS. The members of this Association shall consist of two classes, Active and Associate.

SECTION 2. ACTIVE MEMBERS. Any individual, firm or corporation engaged in the operation of a radio broadcasting station within the United States or its dependencies shall be eligible to Active Membership in the Association.

SECTION 3. ASSOCIATE MEMBERS. Any individual, firm or corporation engaged in any business directly connected with radio broadcasting, but not such as to come within the requirements for active membership, shall be eligible to Associate Membership in the Association. Associate Members shall not be entitled to any vote.

SECTION 4. DISTRICTS. The Active Members shall be divided into seventeen groups, which groups shall be designated District 1 to District 17, both inclusive. The seventeen Districts shall include, respectively, those Active Members of the Association having their main studios in the following areas:

DISTRICT 1

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

DISTRICT 2

New York.

DISTRICT 3

Delaware, New Jersey and Pennsylvania.

DISTRICT 4

District of Columbia, Maryland, North Carolina, South Carolina, Virginia and West Virginia.

DISTRICT 5

Alabama, Florida, Georgia and Porto Rico.

DISTRICT 6

Arkansas, Louisiana, Mississippi and Tennessee.

DISTRICT 7

Kentucky and Ohio.

DISTRICT 8

Indiana and Michigan.

DISTRICT 9

Illinois and Wisconsin.

DISTRICT 10

Iowa, Missouri and Nebraska.

DISTRICT 11

Minnesota, North Dakota and South Dakota.

DISTRICT 12

Kansas and Oklahoma.

DISTRICT 13

Texas.

DISTRICT 14

Colorado, Idaho, Utah, Wyoming and Montana.

DISTRICT 15

California, excluding the counties of San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego and Imperial, Nevada and Hawaii.

DISTRICT 16

Arizona, California, including the counties of San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego and Imperial, and New Mexico.

DISTRICT 17

Alaska, Oregon, and Washington.

SECTION 5. VOTING. Each individual, firm or corporation admitted to Active Membership in the Association shall appoint and certify to the Secretary-Treasurer of the Association the owner, a partner, an officer, or an agent, who shall be actively engaged in the business of such member to be its representative in the Association and who shall represent, vote and act for the member in all the affairs of the Association, including the holding of office therein. Each Active Member shall be entitled to one vote.

SECTION 6. ELECTION OF MEMBERS. Any individual, firm or corporation eligible to membership as provided in Sections 2 and 3 above, on making written application therefor, may be elected to membership. For such election a majority of votes of the Board of Directors is required.

SECTION 7. DURATION OF MEMBERSHIP AND RESIGNATION. Membership in the Association may terminate by death, voluntary withdrawal as herein provided, or otherwise in pursuance of these by-laws. The right of a member to vote and all other rights, privileges, and interest of a member in or to the Association, its rights, privileges, and property shall cease on the termination of membership. Any member may, by giving written notice of such intention, withdraw from membership provided such member's dues have been paid to the end of the expiring month. Such notice shall be presented to the Board of Directors at the next succeeding meeting of the Board of Directors.

SECTION 8. SUSPENSION AND EXPULSION. For cause, any membership may be suspended or terminated. Sufficient cause for such suspension or termination of membership shall be violation of by-laws or any agreement, rule or practice properly adopted by the Association, or any other conduct prejudicial to the interests of the Association. Such suspension or expulsion shall be by two-thirds vote of the entire membership of the Board of Directors; provided, that a statement of charges shall have been mailed by registered post to the last recorded address of the member at least fifteen days before final action is taken thereon. This statement shall be accompanied by a notice of the time and place of the meeting of the Board of Directors, at which the charges shall be considered and the member shall have the opportunity to appear in person or by his representative and present any defense to such charges before action is taken thereon.

ARTICLE IV—DUES

SECTION 1. After March 1, 1938, each active member shall pay dues on net receipts from the sale of time received during the previous calendar year. Net receipts from the sale of time are defined as billings based on gross rate for broadcasting service less time and advertising agency discounts, if any, and including billings to networks. No member shall be required to state its actual volume but to name annually to the Secretary-Treasurer on his call the class into which its volume falls. It is understood that each Active Member is in honor bound not to name a smaller classification than that into which its volume actually falls. The annual dues, payable monthly in advance, shall be as follows:

| Class | Range of Income | Monthly Dues |
|---|---|---|
| A | 0- 15,000 | $ 5.00 |
| B | 15,001- 36,000 | 10.00 |
| C | 36,001- 60,000 | 15.00 |
| D | 60,001- 80,000 | 20.00 |
| E | 80,001- 120,000 | 30.00 |
| F | 120,001- 160,000 | 40.00 |
| G | 160,001- 200,000 | 50.00 |
| H | 200,001- 300,000 | 75.00 |
| I | 300,001- 400,000 | 100.00 |
| J | 400,001- 500,000 | 125.00 |
| K | 500,001- 600,000 | 150.00 |
| L | 600,001- 800,000 | 200.00 |
| M | 800,001-1,000,000 | 250.00 |
| N | 1,000,001-2,000,000 | 400.00 |
| O | Over 2,000,000 | 500.00 |

SECTION 2. The Board of Directors shall determine the dues for various classes of Associated Membership.

ARTICLE V—MEETINGS

SECTION 1. ANNUAL. A stated or annual meeting of the members shall be held in each year on such day and at such place and time as is determined by the members at their previous annual meeting, or the Board of Directors shall fix such place and time of such meeting, and shall order notice of such meeting mailed to the last recorded address of each member at least thirty days before the time appointed for the meeting. At such meeting Directors-At-Large shall be elected to succeed the

Directors-At-Large whose terms then expire. At such meeting there shall likewise be transacted any other business that may be then properly and legally presented.

Section 2. Special. Special meetings of the Association may be called by the Board of Directors. Upon written request of sixty members of the Association, the Board of Directors shall call a special meeting to consider a specific subject. Notice of any special meeting shall be mailed to each member at his last recorded address at least fifteen days in advance, with a statement of time and place and the information as to the subject or subjects to be considered.

Section 3. Quorum. At any duly called meeting of the members, twenty per cent of the active membership shall constitute a quorum for the purpose of transacting such business as may come before the meeting. If less than a quorum is present a majority of the active members present may adjourn the meeting from time to time until a quorum is present.

## ARTICLE VI—ORDER OF BUSINESS

Section 1. Board to Determine. The order of business for annual or special meetings shall be determined by the rules prepared by the Board of Directors. The order of business for other meetings of the Association, Board of Directors and executive committee shall be as follows:

1. Call to order.
2. Action on minutes.
3. Receiving communications.
4. Election of officers and new members.
5. Reports of officers.
6. Reports of committees.
7. Unfinished business.
8. New business.

Section 2. Priority of Business. Any question as to priority of business shall be decided by the chair without debate.

Section 3. Parliamentary Rules. The order of business may be altered or suspended at any meeting by a majority vote of the members present. The parliamentary rules as laid down in "Robert's Rules of Order" shall govern all debates, when not in conflict with these by-laws.

## ARTICLE VII—DIRECTORS

Section 1. Number. The business and affairs of the Association shall be managed by and under the direction of a Board of Directors of twenty-three members, to be selected as hereinafter provided, each of whom shall be an Active Member of the Association or a representative actually engaged in the business of an Active Member.

Section 2. Classification of Directors. There shall be one Director from each District, referred to hereinafter for purposes of convenience as District Directors. There shall be six additional Directors, referred to hereinafter for purposes of convenience as Directors-at-Large, two of which shall be representative of large stations, two of which shall be representative of medium stations, and two of which shall be representative of small stations, operating power to govern these classifications.

Section 3. Election and Duties of District Directors. At least sixty days prior to the expiration of any District Director's term of office, such District Director shall fix a time and place, and give proper notice thereof, for a meeting of all Active Members having their main studios in such District, at which meeting there shall be elected by majority vote one such Active Member as District Director for the ensuing two-year term. Such meeting shall be held at least thirty days prior to the next annual membership meeting.

The name of the Director so elected shall be certified to the Secretary-Treasurer of the Association immediately upon his election. In addition to his duties as a member of the Board of Directors, each District Director shall preside at all meetings of members of his District and report to the Secretary-Treasurer all actions taken at such meetings.

Section 4. Nomination of Directors-at-Large. The District Directors shall constitute a nominating Committee which Committee shall meet in advance of the annual membership meeting and shall nominate two persons, for each of the six Directors-at-Large as defined in Section 2 above. Such nominations shall be reported to the membership during the first session of the annual meeting.

Section 5. Election of Directors-at-Large. Election of Directors-at-Large shall proceed as follows:

A. The President shall appoint an Elections Committee of three persons.

B. The Elections Committee shall prepare ballots upon which there shall be arranged the names of the twelve nominees for Directors-at-Large in six groups of two names each.

C. The Elections Committee shall compile a list of Active Members eligible to vote in the elections.

D. The Elections Committee shall distribute ballots.

E. The Elections Committee shall on the second day of the membership meeting announce a time and place for balloting and shall supervise such balloting.

F. Immediately after the conclusion of balloting, the Elections Committee shall proceed to count ballots and announce the results.

G. The nominee receiving the highest number of votes in each of the six groups shall be declared elected.

Section 6. Tenure. All Directors-at-Large shall be elected to hold office until the conclusion of the member-

ship meeting to be held next after their election. District Directors shall assume office at the first meeting of the Board of Directors following the meeting of the membership held after their election and shall hold office until the close of the second annual meeting after assuming office; provided: that District Directors elected at the 1938 annual membership meeting by District 1, District 3, District 5, District 7, District 9, District 11, District 13, District 15 and District 17, shall serve until the close of the 1939 membership meeting and that District Directors elected at the 1938 annual membership meeting by District 2, District 4, District 6, District 8, District 10, District 12, District 14, and District 16, shall serve until the close of the 1940 membership meeting.

SECTION 7. BOARD MEETINGS. The Board of Directors shall meet at least three times a year, one of which meetings shall be held immediately following the annual meeting. The President may, when he deems necessary, or the Secretary-Treasurer shall, at the request in writing of seven members of the Board, issue a call for a special meeting of the Board, and only five days notice shall be required for such special meetings.

SECTION 8. ELECTION OF PRESIDENT. The Board of Directors by a two-thirds vote of the members present shall elect a President and a Secretary-Treasurer and shall have the power to fix their terms of service, duties and salaries and enter into contracts for such purpose. The Board of Directors shall have authority to engage and discharge employees and agents of the Association, fix salaries, admit, suspend or expel members, create and appoint committees or groups of members having common problems, and do everything necessary and desirable in the conduct of the business of the Association and in accordance with the By-Laws.

SECTION 9. TRAVEL ALLOWANCES. The Board of Directors shall have power to pay traveling expenses of officers, committees, members and others in cases where such expenses are incurred in carrying out the business of the Association.

SECTION 10. ANNUAL AUDIT. The Board of Directors shall direct an annual audit of the books of the Association by competent auditors.

SECTION 11. QUORUM. A majority of the Board of Directors shall constitute a quorum for the election of officers and all other purposes unless herein otherwise provided. In the absence of the President the members may choose a chairman for the meeting.

SECTION 12. ABSENCE. Any member of the Board of Directors absent from a meeting shall send a communication to the President or Secretary-Treasurer stating his reason for his absence, and the membership of the Board in attendance shall decide in each instance whether or not such absence is excusable. In the event there are three consecutive unexcused absences on the part of any member of the Board of Directors, his membership on the Board shall be declared vacant.

SECTION 13. VACANCIES. Any vacancies that may occur on the Board by reason of death, resignation, or otherwise, may be filled by the Board for the unexpired term.

## ARTICLE VIII—OFFICERS

SECTION 1. PRESIDENT. The President shall be the executive officer of the Association and shall preside at meetings of the Association and of the Board of Directors and of the Executive Committee, and shall be a member ex-officio, with right to vote, of all committees except the Nominating Committee. He shall also, at the annual meeting of the Association and at such other times as he shall deem proper, communicate to the Association or to the Board of Directors such matters and make such suggestions as may in his opinion tend to promote the welfare and increase the usefulness of the Association, and shall perform such other duties as are necessarily incident to the office of the President of the Association or as may be prescribed by the Board of Directors or the Executive Committee. In case of death or absence of the President, or of his inability from any cause to act, the Board of Directors shall elect one of their members to perform for the time being the duties of the President's office.

SECTION 2. SECRETARY-TREASURER. It shall be the duty of the Secretary-Treasurer to give notice of and attend all meetings of the Association and all Committees and keep a record of their proceedings; to conduct all correspondence and to carry into execution all orders, votes, and resolutions not otherwise committed; to keep a list of the members of the Association; to collect dues, and subscriptions and deposit such sums in the bank or banks, or trust company, approved by the Executive Committee; to keep records of the staff, employees, and agents of the Association, their salaries and terms of employment, and to take charge of and supervise the performance of their respective duties; to prepare, under the direction of the Board of Directors, an annual report of the transactions and conditions of the Association; to keep an account of all moneys received and expended for the use of the Association; to make disbursements authorized by the Board and approved by the President; and generally to devote his best efforts to forwarding the business and advancing the interests of the Association. The funds, books and vouchers in his hands shall, with the exception of confidential reports submitted by members, at all times be subject to verification and inspection of the Executive Committee. At the expiration of his term of office, the Secretary-Treasurer shall deliver over to his successor or to the President all books, moneys, and other property.

SECTION 3. BOND. The Secretary-Treasurer or any other person entrusted with the handling of funds or property of the Association, shall, at the discretion of the

Board of Directors, furnish, at the expense of the Association, a fidelity bond approved by the Board, in such a sum as the Board shall prescribe.

## ARTICLE IX—DISTRICT AND STATE DIVISIONS

SECTION 1. BOARD MAY AUTHORIZE. The Board of Directors may authorize the organization of State Divisions within districts created by Article III, Section 4, and shall prescribe the rights and duties of State and District Divisions.

No District nor State Division shall have the power to bind the Association unless expressly authorized to do so by resolution of the Board of Directors.

SECTION 2. REPORTS OF ACTIVITIES. Each State Division organized under the provisions of this Article shall report all of its actions to the District Director.

SECTION 3. CONFLICT OF JURISDICTION. With respect to any matter over which there may arise a conflict between the authority of any Division and the Association, the decision of the Board of Directors of the Association shall be binding upon such Division.

## ARTICLE X—COMMITTEES

SECTION 1. EXECUTIVE COMMITTEE. There shall be an Executive Committee composed of the President and six directors who shall be elected from and by the Board of Directors at the annual meeting of the Board. The President shall act as Chairman of the Committee and shall preside at all meetings. Vacancies shall be filled as they occur by elections from and by the Board. Two members of the Committee shall be representatives of large station; two members of medium station; and two of small stations. Not more than one representative of any one member shall be included in the membership of the Committee at any one time. The Committee shall, in the intervals between meetings of the Board, have and exercise the powers of the Board in the management of the business and affairs of the Association. Four members of the Committee shall constitute a quorum for the transaction of business. During the temporary absence of a member of the Committee, the remaining members may appoint a member of the Board of Directors to act in his place.

SECTION 2. ADDITIONAL COMMITTEES. The Board of Directors may, from time to time, by resolution, create standing or special committees as it may deem requisite and prescribe their duties.

SECTION 3. TERM. All appointments to membership on committees shall be for the period between the annual meetings of the Association, except when they involve filling of a vacancy occurring by reason of death or resignation of a member, or otherwise, before the expiration of his term, in which case they shall be for the remainder of the unexpired term of the previous incumbent or until a successor has been appointed.

SECTION 4. RECORDS. All Committees shall keep suitable records of their proceedings, of which copies shall be filed promptly, by mail or otherwise, after each meeting, in the executive office of the Association.

SECTION 5. REPORTS. Each Committee shall report to the Association annually the result of its activities, and at such other times as the Board of Directors or the President of the Association may prescribe.

SECTION 6. SECRETARY. The Secretary-Treasurer of the Association shall be secretary of each standing and special committee, except when the Board of Directors, in creating the committee, otherwise provides. He is authorized to designate an alternate to act for him when he is unable to attend the meetings of any committee.

## ARTICLE XI—OFFICES

SECTION 1. CORPORATE OFFICE. The principal corporate office of the Association, as required by law, shall be located at 7 West Tenth Street, in the City of Wilmington, County of New Castle, in the State of Delaware, or at such other place or places as the Board of Directors shall from time to time designate, in accordance with the provisions of law.

SECTION 2. EXECUTIVE OFFICE. The Executive Office of the Association shall be located in the City of Washington, District of Columbia. The Association may have such other offices as the Board of Directors may determine from time to time.

## ARTICLE XII—SEAL

SECTION 1. The Association shall have a seal of such design as the Board of Directors may adopt.

## ARTICLE XIII—AMENDMENTS

SECTION 1. These By-Laws may be amended, repealed, or altered, in whole or in part, by a two-thirds vote at any annual meeting of the Association provided the proposed change is submitted by mail to the last recorded address of each member at least thirty days before the time of the meeting which is to consider the change.